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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,124	04/13/2004	Ulrich Dajek	PO8020/LeA 36,557	3505
34947 7590 04/19/2007 LANXESS CORPORATION 111 RIDC PARK WEST DRIVE PITTSBURGH, PA 15275-1112			EXAMINER GILBERT, WILLIAM V	
			ART UNIT	PAPER NUMBER
			3635	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/823,124

Applicant(s)

DAJEK ET AL.

Examiner

William V. Gilbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/04; 9/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a First Action on the Merits. Claims 1-10 are pending below.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the claims: each claim adds limitation to a "support" which is not particularly claimed in any preceding claim. Independent Claims 1 and 7 claim that the limitation "support" is optional, which means it may or may not be required in the prior art. If Applicant intends to have the "support" limitation considered, it should be positively claimed.

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Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (U.S. Patent No. 5,560,672) in view of Dingler (U.S. Patent No. 6,505,454).

Claim 1: Lim discloses a hollow chamber (Fig. 3) having a section (30, 32) with a hollow interior and made of metal (Col. 3, lines 55-60), a support element (34) made of metal (Col. 3, lines 55-60) residing within the hollow interior and abutting a portion of the interior surface of the section, and the parts art attached by means of plastic deformation (Col. 2, lines 55-60). Lim does not disclose a thermoplastic material molded onto an exterior surface of the section. Dingler discloses a structural member with a plastic molding (Col. 2, lines 54, 55) on the exterior surface. It would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to provide a plastic coating on the member in Lim in order to aid in the prevention of corrosion of the metal member, and it is well known in the art that plastic coatings prevent such corrosion while maintaining the structural integrity of the member. The limitations of the sequence of the attaching the section (section i, lines 16 and following) are method steps and only the final product is considered.

Claim 4: The section and support element are steel (Lim. Col 3, lines 55-60).

Claim 7: Lim discloses a section (Fig. 3: 30, 32) having a hollow interior and made of metal (Col. 3: lines 55-60) and a support element (34) made of metal (Col. 3, lines 55-60), the support member is in the hollow interior and abutting a portion of the interior surface, and at least one part of the section would deform plastically to fix the section together (Col. 2, lines 55-60: a weld results in plastic deformation). Lim does not disclose a thermoplastic material molded onto an exterior surface of the section. Dinger discloses a structural member with a plastic material (Col. 2, lines 54, 55) molded on the exterior surface. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a plastic coating on the member in Lim in order to aid in the prevention of corrosion of the metal member, and it

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is well known in the art that plastic coatings prevent such corrosion while maintaining the structural integrity of the member.

Claim 10: Lin in view of Dingler disclose the claimed invention except that the attachment of the section occurs concurrently with the placing of the thermoplastic material on the section. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to perform these steps concurrently in order to maximize the efficiency of the manufacturing of the structure.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Dingler as applied to claims 1 and 7, respectively, above, and further in view of Findlay (U.S. Patent No. 3,084,401).

Claim 2: Lim in view of Dingler disclose the claimed invention including the section has two parts (Lim: 30, 32), each part having an edge region (40, 42, 48 and 50) and the portions of the edge regions abut each other and the edge regions are attached (Lim: Col 2, lines 55-60). Lim in view of Dingler does not disclose an aperture and bead connection. Findlay discloses two pieces with a bead and aperture connection

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(Col. 2, lines 40-45). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to attach the sections in Lim in view of Dingler in the manner disclosed in Findlay because Lim discloses that other means of equivalent attachment are accepted (Lim: Col. 2, lines 55-60) and the bead and aperture connection in Findlay is an equivalent attachment.

Claim 8: Lim in view of Dingler disclose the claimed invention including the section has two parts (Lim: 30, 32), each part having an edge region (40, 42, 48 and 50) and the portions of the edge regions abut each other and the edge regions are attached (Lim: Col 2, lines 55-60). Lim in view of Dingler does not disclose an aperture and bead connection. Findlay discloses two pieces with a bead and aperture connection (Col. 2, lines 40-45). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to attach the sections in Lim in view of Dingler in the manner disclosed in Findlay because Lim discloses that other means of equivalent attachment are accepted (Lim: Col. 2, lines 55-60) and the bead and aperture connection in Findlay is an equivalent attachment. Further the prior art of record does not disclose the attachment occurs during the process of molding the thermoplastic material. It would have been obvious at the time

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the invention was made to a person having ordinary skill in the art as a design choice to perform these limitations concurrently in order to maximize efficiency of the manufacturing of the product.

Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim and Dingler as applied to claim 1 and 7, respectively, above, and further in view of Sekiyama (4,457,547).

Claim 5: Lim in view of Dingler disclose the claimed invention except that he section and support are a thermoplastic material. Sekiyama discloses a structure made of polyester (Sekiyama Col. 2, line 67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the structure in Lim out of polyester as in Sekiyama because the purpose of Sekiyama is to absorb an impact which is the purpose of the structure in Lim and Lim discloses that the structure may be made of other suitable materials (Col. 3, lines 54-60).

Claim 6: the thermoplastic coating would be a reinforcing material as best understood by the Examiner.

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Allowable Subject Matter

3. **Claims 3 and 9** are allowable subject to further examination once the 35 U.S.C. § 112 rejections have been clarified.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Honda (U.S. Publication 2001/0042353); Wycech (U.S. Patent No. 6,058,673); Miwa (U.S. Patent No. 5,649,400).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571.272.6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199. (IN USA OR CANADA) or 571-272-1000.

WVG
13 Apr 07
Brent Hall
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4/13/07